

This matter is now before the court on plaintiff's timely objections to the R&R [Doc. 19]. As required by 28 U.S.C. § 636(b)(1) and Federal Rule of Procedure 72(b), the court has undertaken a *de novo* review of those portions of the R&R to which plaintiff objects. The court finds itself in complete agreement with Judge Shirley's thorough analysis of the legal issues regarding plaintiff's alleged disability and benefits therefor. Specifically, because the administrative law judge's findings and conclusions were supported by substantial evidence, this court will decline to reverse his ruling. Nor will this court remand for further administrative proceedings, as plaintiff has failed to meet her burden of (1) establishing the materiality of the evidence to the proceedings and (2) demonstrating good

cause for her failure either to include the new evidence in the record or to inform the administrative law judge that further evidence would be forthcoming.

While the court sympathizes with plaintiff's plight, nevertheless the law in this circuit dictates that plaintiff's specific objections are without merit and that the ruling of the administrative law judge be upheld. Because of Judge Shirley's clear articulation of the law and well-reasoned application thereof to the facts, an issuance of an opinion by this court would be unnecessarily duplicative. Plaintiff's objections [Doc. 19] therefore are **OVERRULED** and the R&R [Doc. 18] is **ACCEPTED IN WHOLE**, whereby plaintiff's motion for judgment on the pleadings [Doc. 14] is **DENIED** and defendant's motion for summary judgment [Doc. 16] is **GRANTED**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge